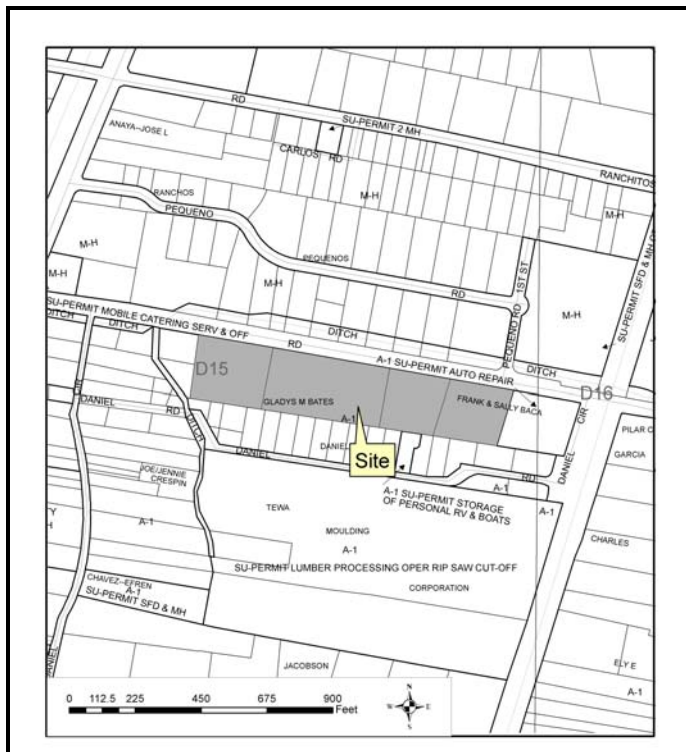




Agenda Number: 7
CSU-60029
September 6, 2006

Applicant:	Frank Baca
Agent:	Garcia/Kraemer & Assoc.
Location:	Los Ranchos Rd.
Property Size:	5.8 acres (approximately)
Existing Zone:	A-1
Proposed Zoning/SUP	Special Use Permit for Planned Development Area (Residential)
Recommendation:	Approval



Summary:	This request is for a Special Use Permit for a Planned Development Area on a 5.8 acre (approximately) property located on Los Ranchos Rd. between Second St. and the railroad tracks. The property is currently zoned A-1, and the applicant is proposing to develop a 14 lot residential subdivision with cluster housing and open space.
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This request was deferred at the July 12, 2006 CPC hearing at the applicant's request in order to revise the site plan in accordance with staff's comments.

Staff Planner: Catherine VerEecke, Program Planner

- Attachments:**
1. Application
 2. Area and Land Use Maps
 3. Cluster Housing from North Valley Area Plan
 4. Request for deferral from July 12, 2006 hearing
 5. Revised justification
 6. Revised Site Plan (7/24/06) (Commissioners only)

Bernalillo County Departments and other agencies reviewed this application from 5/22/06 to 6/12/06 and from 7/24/06 to 8/14/06. Their comments were used in preparation of this report, and begin on Page 18.

AGENDA ITEM NO.: 7
County Planning Commission
September 6, 2006

CSU-60029 Garcia/Kraemer & Associates, agent for Frank Baca, requests approval of a Special Use Permit for a Planned Development Area (14 residential lots) on Tracts A & B, Lands of Gladys M. Bates LD-73-362, and Tracts B & C, Lands of Frank and Sally Baca SP-85-519, located on Los Ranchos Road, on the south side between 2nd Street NW and the ATSF Railroad, zoned A-1, containing approximately 5.8 acres. (D-15) (DEFERRED FROM THE JULY 12, 2006 HEARING)

AREA CHARACTERISTICS AND ZONING HISTORY
Surrounding Zoning & Land Uses

Site	Zoning	Land use
	A-1	Vacant (3 parcels) Single family residential (1 parcel)
North	M-H	Single family residential
South	A-1	Single family residential
East	A-/Special Use Permit for Auto Repair	Auto repair shop
West	A-1	Edith Blvd. Single Family Residential

BACKGROUND:

The Request

The applicant is requesting a Special Use Permit for a Planned Development Area for 14 residential lots on a 5.8 acre property located on the south side of Los Ranchos Rd. between Second St. and the AT&SF railroad tracks. The property is zoned A-1 and consists of four parcels ranging from about one to two acres. The property is mainly vacant with the exception of one residential dwelling on the smaller parcel. It appears the property has been used for agriculture until recently.

According to the site plan, the proposed development will include 14 rectangular shaped lots, each of about 8400 square feet. These will be located behind Los Ranchos Rd. and behind a 30 foot wide asphalt driveway that will serve the development and will be separated from the main road by a landscaped strip. There will also be approximately 2.3 acres of open space located at the easterly and westerly ends of the property and also behind the site to the south. The site plan includes a trail to the south that appears to connect the two large open space tracts.

Request justification.

The applicant's agent states that this request is for "a Special Use Permit for a planned development area including fourteen single-family residences and private common open space under Section 18 B 23 of the Bernalillo County Zoning Ordinance." He states it will be a high-quality development including 2.4 acres of open space, which may include agriculture that utilizes the nearby MRGCD irrigation ditch.

In the response to Resolution 116-86, the agent states that the request is justified under the provisions of Resolution 116-86 as it is consistent with the North Valley Area Plan Cluster Housing Principles. It also is consistent with Section 18.B.23 for a Planned Development Area in that it will create this cluster housing development and preserve portions of this site for agricultural use.

Surrounding Land Uses and Zoning

The subject property is located in what is mainly a residential area along Los Ranchos Rd. with a semi-rural character. Properties to the north of the site have M-H zoning with lots of about one-third of an acre. Properties to the south and west of the site have A-1 zoning, most of which are non-conforming in size (e.g., 8000 to 10000 square feet). One small property to the south of the subject property also has a Special Use Permit for Storage of Personal RV and Boats (CZ-20020).

To the immediate east of the site, a property has had a Special Use Permit for Auto Repair since the 1980s (CSU-89-15; CZ-20006). To the northeast of the site (across Los Ranchos Rd.) a 3 acre property received a Special Use Permit for a Mobile Home Court in 1970 (CSU-70-15) and still has mobile homes on it.

APPLICABLE PLANS AND POLICIES:

Albuquerque/Bernalillo County Comprehensive Plan

The site is located in the Semi-Urban Area as delineated in the Albuquerque/Bernalillo County Comprehensive Plan. The principal goal for this area is to “maintain the character and identity of semi-urban areas which have environmental, social or cultural conditions limiting urban land uses.”

Policy a (Semi-Urban Area) states “Development in the Semi-Urban area shown by a Plan map shall be consistent with development limitations imposed by topography, soil conditions, groundwater quality, agricultural potential, flood potential, scenic qualities, recreation potential and existing development; overall gross density shall be up to 3 dwelling units per acre.”

North Valley Area Plan

The Goals of the North Valley Area Plan include the following:

1. Recognize the North Valley area as a unique and fragile resource and an inestimable and irreplaceable part of the entire metropolitan community.
2. To preserve and enhance the environmental quality of the North Valley by:
 - a. maintaining the rural flavor of the North Valley
 - b. controlling growth and maintaining low density development
 - c. providing a variety of housing opportunities and life styles including different socioeconomic types
 - d. reducing noise level impacts.

This property is located within the Semi-Urban area of the North Valley Area Plan. The Plan states that properties in this area may have special soil and water limitations or scenic, agricultural, or recreational assets, with the appropriate gross density at 1 to 3 dwelling units per acre.

The property is located in the “Second Street to Fourth Street Sub-Area” of the Plan, which extends from Fourth Street in the west to the railroad in the east, and north from Montano Rd. to Paseo del Norte. The plan calls out the portion of Second St. between Osuna Rd. and Paseo del Norte as kind of a ‘transitional area between the more rural to the north and the more urban environment in the south. The provision of urban services into this portion of the plan area has supported requests for higher density residential and commercial zoning’. (Appendices, p. 16).

Policy 4.4 of the Plan states that the County and City shall encourage rural standards for development, especially within the Semi-Urban and Rural Comprehensive Plan areas of the North Valley.

Policy 2 (Land Use) states ‘The City and County shall stabilize residential zoning and land use in the North Valley Area.’ This may be accomplished through the following:

- a. Limit the location, duration, and type of new uses allowed by Special Use Permit.
- b. Cancel discontinued Special Use Permits granted where existing conditions of

approval are not met and permits that are otherwise in violation of the Zoning Ordinance.

- c. Retain existing County A-1 zoning as the only Rural Agricultural zone intended to provide agricultural activities and spacious development.
- d. Require landscape buffering and other measures necessary to limit potential impacts of non-residential uses on residential areas.
- e. Retain the low density character of the North Valley.

Policy 2.2.d (Land Use) of the Plan states that “the County and City shall retain the low density character of the North Valley and that the minimum lot area for R-1 zoned land in the Rural area should be three-quarters of an acre.”

Policy 3.a (Land Use) states that “the City and County shall retain existing residential zoning on Alameda Blvd., Second Street, and on future roadway corridors.”

Policy 7.1 states the City and County shall stabilize land use to protect affordable housing and land presently zoned for housing.

- a. Maintain and expand areas zoned for residential uses including A-1, R-1, M-H
- b. Limit encroachment of non-residential uses into residential areas
- c. Encourage residential zoning of parcels with residential uses.

Policy 7.4 (Housing) states “The County and City shall remove disincentives, provide incentives and/or require housing development which meets the cluster Housing Principles of preserving open land, providing new housing at appropriate densities, lower infrastructure costs, and design flexibility and creativity.”

- b. Amend the County Zoning Ordinance to add cluster principles and to include Cluster Housing as a Special Use.
- c. Provide for densities greater than 1 dwelling unit/acre in Rural and Semi-Urban Areas through adoption of Cluster Housing Principles.

Cluster Housing Principles (North Valley Area Plan)

“The desire to preserve valley character and the need to accommodate new housing for population growth can both be accommodated through cluster development. Cluster housing principles may be applied throughout the valley in all residential development and redevelopment. The principles include: preservation of open land in perpetuity; provision of housing at densities appropriate to the existing zoning and surrounding neighborhoods; reducing required infrastructure and associated housing costs; and provision of greater flexibility and creativity in design and development of housing.” (p.121)

“Cluster or common interest housing is a method of site design for residential development that allows homes to be grouped more closely in order to retain larger amounts of contiguous open space in common ownership. This can be a method of preserving rural character and retaining visual access to open space while accommodating new residential development that meets or exceeds the number of units allowed under standard zoning. Like Village Centers, clustering requires more careful attention to design and setting than standard development forms.” (p.154)

“Cluster development which requires site planning should result in more design flexibility by allowing different lot sizes and shapes according to site features and open space location (p. 129.)”

Cluster Development: Proposed Cluster Density Guidelines (NVAP) Chart

INSERT

Bernalillo County Zoning Ordinance

Resolution 116-86 lists policies for evaluating a Zone Map changes and Special Use Permit applications.

- A. A proposed land use change must be found to be consistent with the health, safety, and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans which have been adopted by the County.

- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
 - 1. There was an error in the original zone map.
 - 2. Changed neighborhood or community conditions justify a change in land use or
 - 3. A different use category is more advantageous to the community as articulated in the Comprehensive Plan or other County Master Plan, even though (1) and (2) above do not apply.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. A proposed land use change which, to be utilized through land development, requires major and unprogrammed capital expenditures by the County may be:
 - 1. denied due to lack of capital funds; or
 - 2. granted with the implicit understanding that the County is not bound to provide the capital improvements on any special schedule.
- H. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.
- I. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a "spot zone." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted land use plan; or
 - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- J. A zone change request which would give a zone different from the surrounding zoning to a strip of land along a street is generally called a "strip zoning." Such a change of zone may be approved only when:
 - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones; because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone due to traffic or special adverse uses nearby.

Section 18. Special Use Permit Regulations

- A. By Special Use Permit after receipt of a recommendation from the Bernalillo County Planning Commission, the Board of County Commissioners may authorize the location of uses in any one in which they are not permitted by other sections of this ordinance; the Board of County Commissioners may likewise authorize the increase in height of buildings beyond the limits set fourth by sections of the zoning ordinance. With such permits, the Board of County Commissioners may impose such conditions and limitations as it deems necessary:
1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located.
 2. To ensure that the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;
 3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and
 4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

Section 18.B.23 (Planned Development Area) states "Planned Development Area, including residential uses or mixed residential and commercial uses provided the minimum development lot area is two acres and the applicant demonstrates the need to vary height, lot area, or setback requirements due to unusual topography, lot configuration, or site features in order to create cluster housing development, preserve visual or physical access to open space or unique site features."

Section 5 Definitions.

Cluster Housing Development. "A form of development that permits a reduction in lot area and bulk requirements, provided there is no increase in the number of lots permitted under a conventional subdivision or increase in the overall density of development, and the remaining land area is devoted to open space, active recreation, or preservation of environmentally sensitive areas or agriculture."

ANALYSIS:

Surrounding Land Use and Zoning

The applicant has requested a Special Use Permit for a Planned Development Area to allow the development of a 14 lot residential subdivision with lots of about one-fifth of an acre. The proposed land use appears to be compatible with the zoning and land uses of the surrounding area, which includes a variety of lot sizes and a mixture of A-1, M-H, and R-1 zoning and some commercial uses with Special Use Permits for both residential and non-residential uses. In addition, the residential properties on the north side of Los Ranchos Rd. are of about one-third acre and those to the south are even smaller.

Thus, cluster housing would provide a mechanism for developing the site with lots that are consistent with the area and still preserving some of the site's rural features.

Plans

The request appears to be relatively consistent with the Comprehensive Plan and the North Valley Area Plan policies. The property's land use designation is in the Semi-Urban area, which allows lots of a minimum lot size of one-third of an acre (a density of three dwelling units per acre). In addition, the request also attempts to follow the guidelines of the North Valley Area Plan for cluster housing, which suggests a density of 2.5 dwelling units per acre. The current request complies with this allowed density.

"Semi-Rural" Character. The North Valley Area Plan development scenarios suggest that properties in both the Rural and Semi-Urban Areas should retain their rural or semi-rural appearance and low density, and the Comprehensive Plan states that particular attention should be given to properties in the Semi-Urban Area with special features such as agricultural potential and scenic qualities. The North Valley Area Plan in the plan scenarios also gives strong preference to maintaining the existing residential zoning in order to retain low density development (1 acre) and the 'rural character' in the areas designated as Rural and Semi-Urban.

By seeking to comply with the Cluster Housing Guidelines, particularly as regards density and open space, this request appears to comply with the Semi-Urban policies.

Cluster Housing. To offset higher residential densities, the North Valley Area Plan (Policy 7.4) indicates that 'cluster housing' may be allowed--if it follows specific principles set forth in the Plan. These are as follows:

- 1. provision of housing at densities appropriate to the existing zoning and surrounding neighborhoods;**
- 2. preservation of open land in perpetuity;**
- 3. reducing required infrastructure and associated housing costs; and**
- 4. provision of greater flexibility and creativity in design and development of housing**

Compliance with each of these is examined below:

1. Appropriate Densities. On page 127 of the North Valley Area Plan, cluster housing density guidelines (see chart above) are included to be used in the evaluation of requests for cluster housing approvals, all of which is intended to provide incentives to the development of cluster housing. Generally, under the guidelines, the greater the percentage of open space, the higher the density may be, with specifications for the Rural and Semi-Urban acreages for open space and residential areas (after the area of road easement is subtracted).

For this site (A-1 zoning, located in the Semi-Urban Area with sewer service) the guidelines call for a site density of 2.5 dwelling units per acre on the overall site where 40 percent of the site is retained in open space (after 20% of the gross acreage is subtracted as easement). The remainder (60% of the buildable area) would be developed with residential uses. If this guideline is followed, the site distribution would be as follows:

Cluster Housing Calculations

North Valley Area Plan Category	Plan Guidelines	Allowance for site following plan	Applicants' plan (acres = 5.77) (from site plan)
Density	2.5 du/acre	14.4 dwelling units (2.5 du/acre)	14 dwelling units (2.43 du/acre)
Easement	20%	1.2 ac. (20%)	.57 (.98%)
Buildable area (less easement)		4.61 ac (201,107 sf)	5.2 ac (226,512 sf)
Open Space (% of buildable area)	40%	1.84 ac	2.4 ac (46%)
Residential (% of buildable area)	60% of buildable	3.59 ac (156,380 sf)	2.8 ac (53.8%)
Average lot size	8363 sf.	8712 sf	8400 sf

In summary, if following the plan's formula for density, the applicant would be able to develop 14 single family lots. This contrasts with the existing zoning (A-1), which would allow about 5 lots on the property. Thus, following the Plan's density guidelines (in conjunction with other principles) the applicants could more than double the density than would be allowed under the existing zoning.

As shown in the above table, the proposed project appears to comply with the density and open space requirements of the Guidelines. However, staff notes that this may only be possible because County road standards (width) are not met by the plan, thereby saving about one-half acre that normally would be dedicated as right-of-way. If County Public Works requires additional easement (see Agency Comments below) this configuration could change. Thus far, it appears permission has not been granted by County Public Works for this easement reduction, and no explanation for this change is included in the justification for this development.

2. Preservation of open land in perpetuity. The North Valley Area Plan (pp. 122-124, 128, 154) discusses several features that define open space. The cluster development should preserve open land in perpetuity and provide visual access to open land and views from the public rights-of-way, ditches, and adjacent development. The open space should be maintained by a recognized neighborhood association in perpetuity according to restrictive covenants including maintenance fees and schedules.

This request does appear to comply with this principle (although the applicant's calculations shown on the site plan differ from those of staff. However, it is not clear from the site plan or justification whether this open space will be a park-type of development or if it will be placed in agriculture. (The site plan and the landscape plan differ in their designation of these areas.) Clarification of the uses and mechanisms for maintaining them should thus be provided.

3. Reducing required infrastructure and associated housing costs. This request does not address this principle. A utility plan is provided, although there is no discussion of how it reduces the required infrastructure. The justification states the housing will be "high-end" but does not explain what this means or how it relates to this principle. A 30 foot wide private road is proposed, in contrast to the 50 feet normally provided, but no justification or approval for this is provided.

4. Greater flexibility and creativity in design and development of housing. This request makes no mention of this principle, which distinguishes a planned development from a standard subdivision, with flexibility in the development plan, such as, lot sizes, location, spacing of lots, and common open space. The proposed lots, instead, are of the same size and shape with no variation, the setbacks are uniform, and the development resembles that of R-1 or M-H zoning. Although a draft of general covenants for the site has been provided, there also should be a discussion of how the design standards or guidelines would help this development achieve a 'planned development status' or would warrant being granted a density incentive for a substantially higher density than allowed under the existing zoning.

Zoning Ordinance

The County Zoning Ordinance contains several sections that relate to this case: 1) Resolution 116-86; 2) Special Use Permits and within that Special Use Permits for Planned Residential developments; and 3) definition of cluster housing.

Resolution 116-86. Under the existing A-1 zoning the site could develop with between 4 and 6 residential units (depending upon easement). The applicant has attempted to justify this request based on the application of cluster housing principles to the development plan. Although the request complies with the density and open space requirements for cluster housing per the NVAP, more work should be done in the applicant's justification to address the cluster housing principles regarding design and lot sizes and shapes.

The applicant's agent argues that the adoption of the NVAP constitutes a changed community condition justifying this land use change. Additional information and justification could be provided as regards actual land use changes that have occurred in the area of the site or how

the land use change is more advantageous to the community as articulated in the North Valley Area Plan and its policies.

Special Use/ PDA Criteria. According to Section 18.B.23 states a “PDA Special Use may be granted provided the minimum development lot area is two acres and the applicants demonstrate the need to vary height, lot area, or setback requirements, due to unusual topography, lot configuration, or site features in order to create cluster housing development, preserve visual or physical access to open space or unique site features.” While the request meets the two acre lot requirement, the applicants could provide more information on the need to vary lot sizes and setbacks significantly from what is allowed under the existing zoning while not creating what appears to be a subdivision that mirrors R-1 zoning in the more urbanized areas of Bernalillo County.

Agency Comments

County staff and representatives from other agencies have noted several issues with the site development plan, particularly as regards the need for additional information to make a determination about the request and its components.

County Public Works has indicated that the proposed private road must be dedicated to the County. A road width variance must be requested by the applicant. The conceptual grading and drainage plan appears to be feasible.

County Zoning staff comments express concerns with the site plan and the whether the request for Planned Development Area is fully justified. The proposed private road may be too narrow and may create parking and safety issues. Clarification is needed for the agricultural uses listed on the landscaping plan. The layout of the development appears to be more like a standard R-1 development rather than a PDA.

County Parks and Recreation staff comments state that access should be provided between the residential development and the open space areas. The trail located to the south of the site should be widened from 3 feet to 6 feet.

Environmental Health staff’s comments state that the development must provide a the Sewer and Water Availability Statement and hookup as required. Information on water rights and ditch accessibility for the proposed agricultural land must be provided.

Conclusion

The applicant has requested a Special Use Permit for a Planned Development Area for a cluster housing development on a 5.8 acre tract of land in the North Valley located on Los Ranchos Rd. to the east of Second Street and west of the railroad tracks. The current request shows 14 lots each of about 8400 square feet and also includes 2.39 acres of open space. It appears that the request could meet the density and open space requirements, although the required changes in right-of-way will likely affect these figures. This issue and other department and agency comments as noted above in this staff report (e.g., Environmental Health, Parks and Recreation, Zoning) must be addressed before this request could be

considered for approval.

In addition, more work needs to be done to make the request comply with the County Zoning Ordinance, the North Valley Area Plan, and Departmental regulations and requirements.

ADDITIONAL STAFF COMMENTS, SEPTEMBER 6, 2006

This request was deferred at the July 12, 2006 CPC hearing at the applicant's agent's request in order for him to revise the site plan and address other staff's comments (Attachment 4).

The current request is still for a 14 lot subdivision to comply with the Cluster Housing Principles of the North Valley Area Plan. A major change to the site development plan is the elimination of the private access road (which would have run parallel to Los Ranchos Rd.) and adding direct access from each of the proposed lots to the public road and a small turnaround area on the property to limit backing up into the road. This elimination allows an increase in the sizes of the proposed lots and maintains approximately 44% of the site as open space (when 40% is required). The density will be 2.43 dwelling units per acre, when the Plan requires a density of 2.5 dwelling units per acre. Lots are of more varied size (9300 to 10,500 square feet) than under the previous plan and are staggered in their alignment and front setbacks along the front property line. Building setbacks are noted on the site plan. The lots are now laid out on the site plan in two groups of seven lots separated by a tract of open space.

As requested by staff, additional information has been provided on the use and landscaping of the open space areas, which will include a community garden and fruit trees. Additional landscaping (trees) will be provided along Los Ranchos Rd. The agent states he is still working with MRGCD on the provision of irrigation for the site.

The agent also provides additional justification regarding the request's compliance with the cluster housing principles, including provision of appropriate densities, preservation of open land in perpetuity, reducing required infrastructure costs, and greater flexibility and creativity in design and development (Attachment 5).

The applicant has attempted to address the comments of County staff and other agencies so that additional comments are minimal. A Sewer and Water Availability statement has been provided to County Environmental Health staff. County Public Works has ostensibly accepted the revised access plan and the conceptual grading and drainage plan for the site. The Zoning Administrator has no adverse comments on the current site plan. The only outstanding issue appears to be with the provision of water for irrigation for the site, which, as proposed by the applicant, must be approved by the Conservancy District, or an alternative must be provided.

In conclusion, it appears that, based on the new information provided and revisions to the site plan, the request complies with the Cluster Housing Principles of the North Valley Area Plan. The request thus could be approved with conditions of approval to ensure continued compliance with the Plan Guidelines and to address the few remaining issues with the development plan.

Analysis Summary

Zoning	
Resolution 116-86	Complies with policies in the North Valley Area Plan for Cluster Housing.
Requirements	The lots meet cluster housing requirements as road variance has not been approved. Comply with density requirement (2.5 du/acre).
Section 18.b.23	The development plan appears to meet the Planned Development Area Criteria.
Plans	
Comprehensive Plan	Appears to be generally consistent with policies that call for rural, residential uses with open space in the semi-urban area.
North Valley Area Plan	Appears to be generally consistent with policies that call for residential uses in the area and with the preference for cluster housing.
Other Requirements	
Environmental Health	Has provided a sewer and water availability statement and should provide evidence of approval of irrigation for proposed agriculture on the site.
Zoning Admin.	Site plan acceptable.
Public Works	Provide final grading and drainage plan, provision of setback for turnaround area in driveways.

FINDINGS:

1. This request is for a Special Use Permit for a Planned Development Area (14 residential lots and 2.56 acres of common open space) on Tracts A & B, Lands of Gladys M. Bates LD-73-362, and Tracts B & C, Lands of Frank and Sally Baca SP-85-519, located on Los Ranchos Road, on the south side between 2nd Street NW and the ATSF Railroad, zoned A-1, containing approximately 5.8 acres.
2. The property is located in the Semi-Urban Area of the Albuquerque/Bernalillo County Comprehensive Plan and the North Valley Area Plan.
3. This request is consistent with Resolution 116-86 in that the applicant has demonstrated that the land use change is more advantageous to the community as articulated in the North Valley Area Plan Policy 7 (Housing), which states "provide for densities greater than 1 dwelling unit/acre in Rural and Semi-Urban Areas through adoption of Cluster Housing Principles."
4. The request is consistent with Section 18.b.23 of the Bernalillo County Zoning Ordinance (Planned Development Area) in that the applicant has demonstrated the need to vary lot size in accordance with the preservation a portion of the site in its natural form as open space in compliance with the Cluster Housing Guidelines as set forth in the North Valley Area Plan.
5. The request is consistent with the health, safety and general welfare of the residents of the County.

RECOMMENDATION

APPROVAL of a Special Use Permit for a Planned Development Area (CSU-60029), based on the above Findings with the following Conditions of Approval.

Catherine VerEecke
Program Planner

CONDITIONS OF APPROVAL:

1. Lighting shall be site specific. Lighting fixtures shall be provided so that no fugitive light crosses onto adjacent lots.
2. Applicants shall obtain a revised Sewer and Water Availability Statement from the City of Albuquerque/Bernalillo County Water Utility Authority and shall connect to City of Albuquerque/Bernalillo County water and sewer service as prescribed in the statement. A copy of the statement shall be submitted to the Zoning, Building, Planning and Environmental Health Department.
3. A mosquito control plan shall be submitted for approval to the Office of Environmental Health. A copy of the approval shall be submitted to the Zoning, Building, Planning and Environmental Health Department within two months of the final Board of County Commissioners approval.
4. Landscaping and irrigation for the subdivision shall be shown on the final site plan and shall be developed prior to issuance of certificates of occupancy to property owners in accordance with the site plan and landscaping plan.
5. Trails or paths through the common open space shall be at least 6 feet in width and shall consist of crusher fine materials. Access gates to enter the common open space from each of the single family residences shall be shown on the final site plan.
6. A revised grading and drainage plan shall be submitted for review and approval to the Bernalillo County Public Works Division. The grading and drainage plan shall be approved prior to the signing of final plat. A copy of the approval shall be submitted to the Zoning, Building, Planning and Environmental Health Department.
7. There shall be a sideyard setback of at least 6 feet from the driveways.
8. The Homeowners Association is responsible for the maintenance of all right-of-way set back area on either side of the road, the wall and the open space. This open space shall be labeled as private open space.
9. The Homeowners Association shall be responsible for all right-of-way set back area on either side of the road and the wall and for the maintenance of all trails, sidewalks, landscaped strips, and landscaped common areas.
10. A minimum six (6) foot landscape buffer or the equivalent shall be located on the sides of the property abutting residential uses.
11. The subdivision plat and disclosure statement shall include a note that the common open space as shown on the plat shall be owned and maintained by the homeowner's association of the subdivision in perpetuity.
12. A revised site development plan consistent with the Conditions of Approval shall be

submitted for review to the Zoning Administrator within two months after the final Board of County Commissioners' approval. The revised site plan shall provide information on building setbacks for dwelling units and accessory structures.

13. The applicants shall comply with all applicable Bernalillo County ordinances and regulations.
14. The foregoing conditions shall become effective immediately upon execution or utilization of any portion of the rights and privileges authorized by this Special use Permit.

BERNALILLO COUNTY DEPARTMENT COMMENTS

Building Department:

No adverse comments.

Environmental Health:

MUST PROVIDE A WATER AND SEWER AVAILABILITY STATEMENT.

Public Utility water and sewer is available to this site, and the current dwellings are connected; upon development the following is required.

1. Infrastructure bond with the County;
2. Provide proof of connection to the Utility services;
3. Mosquito control plan for the on-site ponding;
4. Water quality sampling that meets the most current water quality analysis of the County;
6. MRGCD approval and/or OSE approval required for on-site irrigation of crops.

9/6/06

Received a current water and sewer availability statement.

No adverse opinion on this platting or planning submittal.

Zoning Enforcement Manager:

NO ADVERSE COMMENT FROM ZONING ENFORCEMENT.

Zoning Administrator

The Zoning Ordinance allows for a Planned Development Area for residential uses if the subject site is at least 2.0 acres in area. Additionally, certain standards, such as building height, lot area, and/or setbacks, may be varied from the underlying requirements if an applicant can demonstrate that these deviations are necessary and due to unusual topography, lot configuration, or specific site features in order to preserve the visual or physical access to the provided open space.

The 2-acre lot size requirement is met for this proposal, and the provided site plan and related material specifically references changes to the following zoning standards:

? Setbacks

- proposed distances: front yard = 20', rear yard = 15', side yard = 7.5'

? Lot size

- proposed lot area: approximately 10,500 square feet

SITE PLAN COMMENTS

The "30' asphalt driveway" creates multiple problems for the proposal. First, it appears that this driveway will be used for access to individual homes, as well as off-street parking for vehicles. This layout is contrary to the parking allowances, as parking

cannot create stacking or the positioning of vehicles that will block or limit access for others (ref. Sec. 5, Parking Space, Off-Street as defined). Based on the location of the of this driveway as compared to the dotted line of the proposed building envelope, a standard driveway for each home could be located at a length of 20' from the edge of the "30' asphalt driveway", thereby providing acceptable access and area for parking. However, if this is the intent of the development, these driveways should be appropriately indicated on the plan.

Secondly, it seems that the "30' asphalt driveway" has been mislabeled. It would appear that this more closely meets the definition of a street as defined by the Zoning Ordinance. This term is defined to mean:

"That portion of a public right-of-way or private way or thoroughfare which is primarily devoted to vehicular use. Such right-of-way or thoroughfare normally shall provide access to abutting property."

As this vehicular easement will provide access to all 14 dwellings, it should be properly referenced as such.

The 6' screen wall indicated on the south, west and east sides of the dwellings may also create access problems. As open space is to be used "useable" by adjacent residents (ref. defined term of Useable Open Space in Sec. 5), it would seem that a wall running the length and width of the property would severely limit access to the area, as well as the stated "visual, psychological, and recreational needs" as described in the definition.

The amount of detail in the "Design Guidelines" portion of the material is helpful to describe the intended goals and objectives of the development, but much of this information appears to be subjective and unenforceable from a land use standpoint. Details concerning architectural styles, building colors, etc. may be more appropriately placed within a disclaimer statement on a future subdivision request rather than within the site plan portion of the SUP. This may be accomplished by a specific Conditions of Approval relating to a future CDRA request, or the CPC may choose not to address all of these specific issues and allow the developer to consider these matters as restrictive covenants upon the future sale and construction of the lots. Most importantly, it should be noted that if approved, a revised site plan on file with the County becomes the governing document for all of the properties under the permit.

Additionally it should be noted that the setback restrictions outlined on page 4 indicate that a provided rear yard of 20 feet and a side yard of 5 feet will be provided for each future lot. This is contrary to the setbacks listed on the first page of the site plan materials.

COMMENTS RELATING TO THE USE

It's not clearly understood how this proposal meets the stated criteria outlined in Sec. 18 for a PDA. Specifically, no reference is noted addressing the applicant's need to vary the height, lot area, or setback requirements due to unusual topography, lot configuration, or site features.

The proposed lot sizes are roughly a quarter of the size of the one-acre typically required for development, and would be less than this when the 30-foot asphalt driveway (a.k.a. "street") is properly factored into the calculation. Additionally, the use of this area for proper vehicular circulation and access creates certain problems as mentioned earlier.

The requested setback distances are similar to those found in the R-1 zone (20' front, 15' rear, and as little as 6' on the side with an aggregate distance of 14'), and a rough calculation of the amount of proposed open space vs. the number of bedrooms to be supplied seems to be generously provided to meet the intent of this regulation. However, the forecasted but general agricultural uses to be conducted within these areas to the east and west of the residential development, as well as the future homeowners limited access to these areas, seems to need additional clarification and explanation.

For 9/6/06

Supplemental justification and revised site plan submitted

- 30-ft. private drive eliminated
- staggered setbacks for proposed SFD's
- clarification & consistency for setbacks and off-street parking noted

No adverse comments for the proposal at this time

Fire:

No comments received.

Public Works:

DRAN:

1. 1. This property is subject to the Bernalillo County Code Chapter 38. Prior to any development of this property a drainage submittal meeting the requirements of this code will be required.
2. A grading and drainage plan submittal that cannot meet the requirements of the Bernalillo Code Chapter 38 will require a revision to this Special Use Permit.
3. This property is also subject to the National Pollution Discharge Elimination System as required by the Bernalillo County Code Chapter 38 Section 147. A Storm Water Pollution Prevention Plan (SWPPP) is required prior to any development.
4. The grading and drainage of this site, as shown on the plan sheet submitted with this special use permit application, appears to be reasonable. Storm water volume retention and other onsite drainage requirements shall be determined under a formal grading and drainage plan submittal by an engineer licensed in the state of New Mexico and technical review by Bernalillo County Public Works.

For 9/6/06

1. A grading and drainag plan Case # PWDN 60063 has been submitted and reviewed by Bernalillo County Public Works. Resubmittal pending. See previous comments

DRE:

1. The access easement shall be dedicated as public right-of-way.
2. The right-of-way width of the proposed road needs to be widened to accommodate a road 32 feet wide, barrier curb face to barrier curb face, a four foot sidewalk on the south side and necessary drainage facilities. If the right-of-way is less than 50 feet wide a variance request shall be required by Bernalillo County Public Works Division.
3. Two bulb turnouts meeting County Street Standards are required at either end of the proposed access road.
4. The access road is required to be named differently than Los Ranchos Road.
5. The Homeowners Association is responsible for the maintenance of all right-of-way set back area on either side of the road, the wall and the open space. This open space shall be labeled as private open space.

For 9/6/06

1. Driveways must have a 6 foot sideyard setback.
2. The Homeowners Association is responsible for the maintenance of all right-of-way set back area on either side of the road, the wall and the open space. This open space shall be labeled as private open space.

Parks & Recreation:

Sheet 1:

Provide gates or openings in the 6' perimeter wall to allow residents to access the trail and open space.

Sheet 3:

The 3' path should be widened to 6' to accommodate two people walking side by side or one passing the other without having to step off the trail.

8/8/06 comments for hearing 9/6/06:

Sheet 1 Site Plan:

Does Lot 1 have side or rear yard access to open space? All the other lots were provided a gate in the rear yard wall.

Landscape Plan:

Still recommend a 6' crusher fine path rather than the 3' shown on the plan. This is a much more comfortable walking area and allows two people walking side by side or one passing the other without having to step off the trail.

Sheet 1:

Provide gates or openings in the 6' perimeter wall to allow residents to access the trail and open space.

Sheet 3:

The 3' path should be widened to 6' to accommodate two people walking side by side or one passing the other without having to step off the trail.

Sheriff's:

No comment received

COMMENTS FROM OTHER AGENCIES

MRGCOG:

No comments.

AMAFCA:

No comment received.

City Planning Department:

For all cases for the July 15, 2006 CZ and CSU hearing the City of Albuquerque Development Services Division has no adverse comment.

City Public Works:

Transportation Planning:

No comment

Transportation Development:

No adverse comments.

Water Resources: No water/sewer availability statement has been requested, but public water/sewer service is available.

For 9/6/06

See Water/Sewer Availability dated July 6, 2006 provided to County Planning staff.

City Transit:

The #10 North 4th St route serves the North Valley Library several times a day, within walking distance of the site. The site is also close to the planned Rail Runner station and park-and-ride on El Pueblo.

No objection.

City Open Space:

Open Space does not have any comments for projects to be heard July 12, 2006.

NMDOT

Case description: Special use permit ? Planned developmental for 14 residential lots W/2.4 acres of private development

Location: Los Ranchos NW, Albuquerque NM

Type of development (Residential/commercial): Residential

Possible Impacted NMDOT roadway(s): 2nd Street

Departments Comments: None. There are not any direct and significant impacts to the state road system as a result of this development.

APS

ZCSU 60029 Los Ranchos Estates is a proposed cluster development consisting of 14 residential lots. The proposed project is located within the following attendance areas: Los Ranchos Elementary School, Taft Middle School, and Valley High School. All three schools have capacity to absorb any student growth from the proposed redevelopment project.

School	2006-07 Projections	2006-07 Capacity	Space Available
Los Ranchos	382	490	108
Taft	595	813	218
Valley	1,750	2,100	350

MRGCD

1. The preliminary plans indicate irrigation is proposed within the “common, irrigated farm land”. Will this be irrigated using city water or can the property be irrigated from an MRGCD ditch?
2. Plat approval is required by the MRGCD.

NEIGHBORHOOD ASSOCIATIONS:

Alameda North Valley Association
North Edith Corridor Association